

Applicant: David W. & Joanne E. Kiker & Diana Cook

Agent: Jeff Mortensen & Assoc.

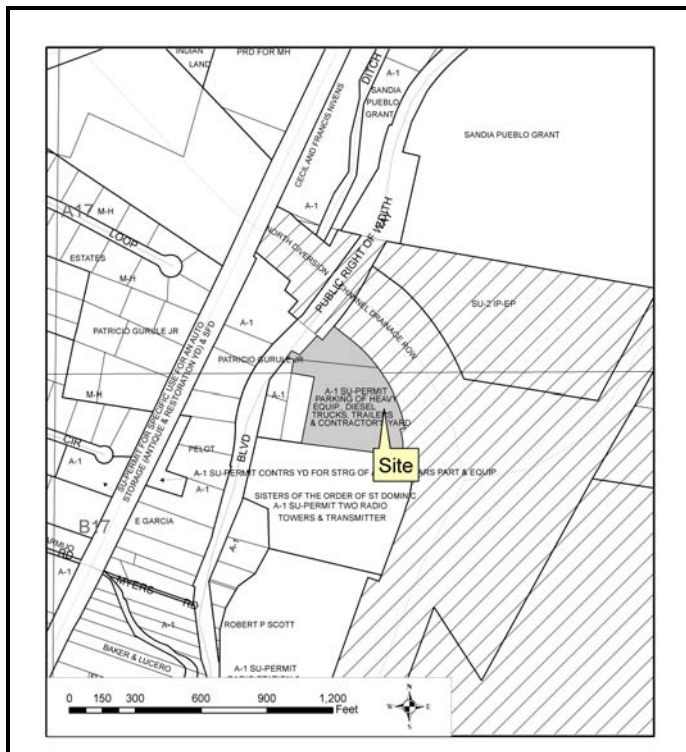
Location: 10450 Edith Blvd. NE

Property Size: 4.27 acres (approximately)

Existing Zone: A-1

Proposed Zoning/SUP Special Use Permit for Planned Development Area (Residential)

Recommendation: Deferral



Summary: This request is for a Special Use Permit for a Planned Development Area on a 4.27 acre (approximately) property located on the east side of Edith Blvd. near the diversion channel. The property is currently zoned A-1, and the applicants are proposing to develop a 9 lot residential subdivision, following the guidelines of the North Valley Area Plan for cluster housing.

Staff Planner: Catherine VerEecke, Program Planner

Attachments:

1. Application
2. Area and Land Use Maps
3. Cluster Housing from North Valley Area Plan
4. Sewer and water availability statement (dated 6/16/06)
5. Site Plan (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 5/22/06 to 6/12/06. Their comments were used in preparation of this report, and begin on Page 15.

AGENDA ITEM NO.: 8
County Planning Commission
July 12, 2006

CSU-60026 Jeff Mortensen & Associates, agent for David W. & Joanne E. Kiker and Diana Cook, requests approval of a Special Use Permit for a Planned Development Area (9 residential lots) on Tracts A & 21D, located at 10450 Edith Boulevard NE, zoned A-1, containing approximately 4.27 acres. (B-17)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	A-1	Vacant (one parcel)
North	--	North Diversion Channel
South	A-1/Special Use Permits for Two Radio Towers and Transmitter	Radio Towers
East	--	North Diversion Channel
West	-- A-1	Edith Blvd. Single Family Residential

BACKGROUND:

The Request

The applicants are requesting a Special Use Permit for a Planned Development Area for a 9 lot cluster housing development on a 4.27 acre property located on the east side of Edith Blvd. to the north of Alameda Blvd. The property is zoned A-1 and consists of two parcels—one .9 acre (approximately) tract that fronts Edith Blvd. and one 3.7 acre tract. Both parcels back up to the North Diversion Channel near the Sandia Indian Reservation.

The property is currently vacant. Previously, it had a Special Use Permit for the Parking of Heavy Equipment, Diesel Trucks, Trailers and a Contractor's Yard (CSU-2; CZ-86-67), which has been removed from the property at the owner's request.

According to the site plan, the proposed development will include 9 lots, each of about .2 acres, to be located along one 44 foot wide road, which begins at Edith Blvd., and ends in a turnaround. The front setbacks will be either 20 or 25 feet. There will also be a total of 1.89 acres of landscaped 'common private open space' along Edith Blvd. in the northerly portion of the site and along the westerly portion of the site abutting the adjacent residential properties. The open space will include a walking trail.

Request justification.

The applicant's agent states that this request is an application for a "9 home residential cluster community with landscaping and shared common open space." He points out that the existing lots have unusual shapes due to right-of-way acquisitions for Edith Blvd. and the Diversion Channel. They have had Special Use Permits since 1986 for contractor's-type uses.

In the response to Resolution 116-86, the agent argues that the proposed land use change is consistent with various policies in the North Valley Area Plan and the Comprehensive Plan. In particular, it is consistent with "Rural Area" policies in that it is proposing cluster housing with open space. It will also be consistent with nearby residential uses and will have less impact on the area than non-residential uses. It also functions as a transition between the more urban uses to the east and the rural residential uses to the west along Edith Blvd.

The agent states the request is consistent with cluster housing principles as specified in the North Valley Area Plan. In terms of density, the plan allows 2.0 dwelling units when this request is for 2.1 dwelling units (9 residential units) due to rounding. He states this rounding up is warranted due to the proximity of the site to the Developing Urban Area to the east, which includes a number of intense non-residential uses. In addition, the open space (approximately 1.9 acres) provided exceeds the 40% of the site area required by the plan, infrastructure costs will be reduced by clustering the residential development in one portion of the site, and lot sizes and shapes will vary, all as required by the North Valley Area Plan.

The agent states the request is consistent with the Planned Development Area Criteria of the Zoning Ordinance (Section 18.b.23). It meets the 2 acre minimum lot size requirement and it will include clustering and varied lot sizes and shapes and will allow the preservation of open space and view corridors.

Surrounding Land Uses and Zoning

The subject property is located in what is mainly a residential area along Edith Blvd. with a rural character. A majority of the properties to the west of the site are zoned A-1 and have single family dwellings on them, although one property has a Special use Permit for a Contractors Yard for Storage of Antique Cars, parts and Equipment (CSU-92-5). To the immediate north of the site is the North Diversion Channel, and beyond this, is Sandia Tribal Land. To the immediate south of the property is a site with a Special Use Permit for Two Radio Towers and a Transmitter (CSU-75-11) with towers on it, and beyond this are single family residential uses. To the southeast is the Balloon Fiesta Park.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to “maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.”

Policy 3.a of the Plan (Land Use) states that Rural Areas as shown by the Plan Map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.

Rural area density patterns shall be more specifically defined through lower rank plans.

North Valley Area Plan

This property is located within the Rural area of the North Valley Area Plan. The Plan states, following the Comprehensive Plan, that overall densities should not exceed one dwelling unit per acre in the Rural Area.

It is in the North Edith Blvd. Sub-Area that extends north from Osuna Road to the Sandia Reservation. The area nearby the site is characterized mainly as ‘rural’ and also as having a number of recognized historic properties.

The “Trend Scenario” notes an apparent trend toward heavy commercial and light industrial uses along Edith Blvd, encroaching into residential areas and for Edith to become a commercial route.

Under the “Comprehensive Plan” and “Preferred Scenarios”, the North Valley Area Plan states the current situation would be preserved with residential development and less traffic along Edith Blvd., recognizing its historic character. Economic development would be limited to home occupations in the residential areas and small-scale businesses along Edith Blvd. It states there is some industrial development adjacent to Paseo Del Norte.

The “Preferred Scenario” still states a preference for uses allowed under the existing zoning.

The Plan states that the “land use pattern should reflect the present zoning” (Appendix, p.4).

Policy 4.4 of the Plan states that the County and City shall encourage rural standards for development, especially within the Semi-Urban and Rural Comprehensive Plan areas of the North Valley.

Policy 2 (Land Use) states ‘The City and County shall stabilize residential zoning and land use in the North Valley Area.’ This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 2.2.d (Land Use) of the Plan states that “the County and City shall retain the low density character of the North Valley and that the minimum lot area for R-1 zoned land in the Rural area should be three-quarters of an acre.”

Policy 3.a (Land Use) states that “the City and County shall retain existing residential zoning on Alameda Blvd., Second Street, and on future roadway corridors.”

Policy 7.1 states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

Policy 7.4 (Housing) states “The County and City shall remove disincentives, provide incentives and/or require housing development which meets the cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity.”

- b. Amend the County Zoning Ordinance to add cluster principles and to include Cluster Housing as a Special Use.
- c. Provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption of Cluster Housing Principles.

Cluster Housing Principles (North Valley Area Plan)

“The desire to preserve valley character and the need to accommodate new housing for population growth can both be accommodated through cluster development. Cluster housing principles may be applied throughout the valley in all residential development and redevelopment. The principles include: preservation of open land in perpetuity; provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods;

reducing required infrastructure and associated housing costs; and provision of greater flexibility and creativity in design and development of housing.” (p.121)

“Cluster or common interest housing is a method of site design for residential development that allows homes to be grouped more closely in order to retain larger amounts of contiguous open space in common ownership. This can be a method of preserving rural character and retaining visual access to open space while accommodating new residential development that meets or exceeds the number of units allowed under standard zoning. Like Village Centers, clustering requires more careful attention to design and setting than standard development forms. “ (p.154)

“Cluster development which requires site planning should result in more design flexibility by allowing different lot sizes and shapes according to site features and open space location (p. 129.)”

Cluster Development: Proposed Cluster Density Guidelines (NVAP) Chart

INSERT

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse

land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a “strip zoning.” Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 18. Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose such conditions and limitations as it deems necessary:
1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
 2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
 3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
 4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

Section 18.B.23 (Planned Development Area) states “Planned Development Area, including residential uses or mixed residential and commercial uses provided the minimum development lot area is two acres and the applicant demonstrates the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to

create cluster housing development, preserve visual or physical access to open space or unique site features.”

Section 5 Definitions.

Cluster Housing Development. “A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas or agriculture.”

ANALYSIS:

Surrounding Land Use and Zoning

The applicants have requested a Special Use Permit for Planned Development Area to allow the development of a 9 lot residential subdivision with lots of about one-fifth of an acre. This property previously had Special Use Permits for a Contractor’s Yard.

The proposed land use appears to be compatible with the zoning and land uses of the surrounding area, which include a variety of lot sizes and mainly A-1 zoning and some commercial uses with Special Use Permits. The proposed open space would contribute to the rural qualities of properties in the area. In addition, properties to the east of the Diversion Channel are in the City with light industrial uses, so that the proposed use would serve as a transition between the uses to the east and west.

Plans

The request appears to be consistent with the applicable Comprehensive Plan and the North Valley Area Plan policies. The property’s land use designation is now in the Rural Area, which allows lots of a minimum size of one acre for properties with A-1 zoning. (Prior to the adoption of the North Valley Area Plan in 1993, the property was in the Developing Urban Area). In accordance with the Rural Area designation, the request is for a residential use and attempts to follow the guidelines of the North Valley Area Plan for cluster housing, which allows a density of 2 dwelling units per acre (2.1 dwelling units is requested) in conjunction with an open space provision, as opposed to the one dwelling unit per acre density allowed by the plans for residential development without clustering.

The application attempts to address the following areas discussed in the Plans:

“Semi-Rural” Character. The North Valley Area Plan development scenarios suggest that properties in both the Rural and Semi-Urban Areas should retain their rural or semi-rural appearance and low density, and the Comprehensive Plan states that particular attention should be given to properties in the Semi-Urban Area with special features such as agricultural potential and scenic qualities. The North Valley Area Plan in the plan scenarios also gives strong preference to maintaining the existing residential zoning in order to retain low density development (1 acre) and the ‘rural character’ in the areas designated as Rural and Semi-Urban. Although this request is proposing a higher density, it is being done in conjunction with Cluster Housing in which the higher density is off set by the provision of

open space. The site with its unusual shape also appears to lend itself to this kind of land use.

Cluster Housing. To offset higher residential densities, the North Valley Area Plan (Policy 7.4) indicates that 'cluster housing' may be allowed--if it follows specific principles set forth in the Plan. These are as follows:

- 1. provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods;**
- 2. preservation of open land in perpetuity;**
- 3. reducing required infrastructure and associated housing costs; and**
- 4. provision of greater flexibility and creativity in design and development of housing**

It appears the proposed development does comply with these principles, as follows:

1. Appropriate Densities. On page 127 of the North Valley Area Plan, cluster housing density guidelines (see chart above) are included to be used in the evaluation of requests for cluster housing approvals, all of which is intended to provide incentives to the development of cluster housing. Generally, under the guidelines, the greater the percentage of open space, the higher the density may be, with specifications for the Rural and Semi-Urban acreages for open space and residential areas (after the area of road easement is subtracted).

For this site (A-1 zoning, located in the Rural Area with sewer service) the guidelines call for a site density of 2.0 dwelling units per acre on the overall site where 40 percent of the site is retained in open space (after 20% of the gross acreage is subtracted as easement). The remainder (40% of the site's area) would be developed with residential uses. This is shown in the following table (Columns 2 and 3).

Cluster Housing Calculations – CSU-60026
(Total acres = 4.27 or 186,001.2 square feet)

North Valley Area Plan Category	Plan Guidelines	Allowance for site following plan	Applicants' plan (acres = 4.27) (from site plan)
Density (Rural Area)	2.0 du/acre	8.54 dwelling units	9 dwelling units (2.1 du/acre)
Easement	20%	.85 ac. (20%)	.5 (11.7%)
Buildable area (less easement)		3.42 ac (148,975.2)	3.77 ac (164,221.2 sf)
Open Space	40%	1.71 ac (40%)	1.89 ac (44.3 %)
Residential	40%	1.71 ac (40%)	1.88 ac (44%)
Average lot size	8712 sf.	8276 sf.	9086 sf.

In summary, if following the plan's formulae, the applicants would be able to develop 8.54

single family lots. This contrasts with the existing zoning (A-1), which would allow either 3 or 4 lots on the property, depending on the access/road allotment. Thus, following the Plan's density guidelines (in conjunction with other principles) the applicants could more than double the density than would be allowed under the existing zoning.

From the above table, it can be stated that the current site plan is consistent with the North Valley Area Plan Guidelines for Density for Cluster Housing. It meets the density requirement and provides sufficient open space.

2. Preservation of open land in perpetuity. The North Valley Area Plan (pp. 122-124, 128, 154) discusses several features that define open space. The cluster development should preserve open land in perpetuity and provide visual access to open land and views from the public rights-of-way, ditches, and adjacent development. The open space should be maintained by a recognized homeowners association in perpetuity according to restrictive covenants including maintenance fees and schedules.

Although this request provided sufficient land for open space, it appears that the request does not comply fully with this principle. In the site plan, the open space does appear to be common and visually accessible, but there is no detailed plan for the ownership and maintenance of the purported open space. Additional information could thus be provided beyond the notes in the landscaping plan.

3. Reducing required infrastructure and associated housing costs. This request does attempt to address this principle. It states that the proposed cluster configuration reduces the required right-of-way and associated water, sewer, and drainage costs.

4. Greater flexibility and creativity in design and development of housing. This request makes some note of this important principle, which distinguishes a planned development from a standard subdivision, with flexibility in the development plan, such as lot sizes, location, spacing of lots, and common open space. There does appear to be some variability in the proposed lots and shapes (lot sizes range from 8452 square feet to 9957 sf), although additional variability could be provided. There also are no discussions of design standards or guidelines that would help this development achieve a 'planned development status' or would warrant it being granted a density incentive for a substantially higher density than allowed under the existing zoning. The applicants could thus address this issue, and the design plan could be built into the request in the proposed covenants or a disclosure statement, along with on the site plan, creating some mechanism for ensuring that this principle is met.

Zoning Ordinance

The County Zoning Ordinance contains several sections that relate to this case: 1) Resolution 116-86; 2) Special Use Permits and within that Special Use Permits for Planned Residential developments; and 3) definition of cluster housing.

Resolution. Under the existing A-1 zoning, the site could develop with between 3 and 4 residential units on one acre. The applicants appear to have attempted to demonstrate how the existing zoning is inappropriate for the subject site as required by Resolution 116-86 by stating

that the proposed land use would serve as a transition between zones and would create a cluster housing development that is consistent with the Rural Area designation and the North Valley Area Plan. However, more information could be provided on how the open space and design standards will be maintained, as discussed in the North Valley Area Plan, for instance through covenants and a homeowner's association.

Special Use/ PDA Criteria. According to Section 18.B.23 a "PDA Special Use may be granted provided the minimum development lot area is two acres and the applicants demonstrate the need to vary height, lot area, or setback requirements, due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features." The request meets the two acre lot requirement, and cluster housing with open space could justify the changes in density and setbacks beyond those required under A-1 zoning.

Agency Comments

County staff and representatives from other agencies have noted several issues with the site development plan, particularly as regards the need for additional information to make a determination about the request and its components.

County Zoning staff comments note the request is for a Planned Development Area, which will include varying the lot size and setbacks from the existing A-1 zoning. Additional information should be provided for building height, fencing, accessory structure setbacks, incidental uses, and signage. Installation and maintenance of landscaping should be a condition of approval. Notes referring to City of Albuquerque water service should be corrected to refer to the Albuquerque/Bernalillo County Water Utility Authority.

County Public Works has indicated to Planning staff that a road width variance (for 44 feet instead of 50 feet) has been requested by the applicant and appears to be acceptable. Additional area for turnaround must be added. The conceptual grading and drainage plan appears to be feasible but must be followed by a formal grading and drainage submittal to County Public Works.

Environmental Health staff's initial comments stated that Bernalillo County/City of Albuquerque Water and Sewer appear to be available to the site, but that a Sewer and Water Availability Statement from the Albuquerque/Bernalillo County Water Utility Authority is required at the present time. However, the availability statement issued on June 16, 2006 (Attachment 4) indicates that the sewer line that would service the site (designed for densities of one dwelling unit per acre) may not have the capacity for the proposed two dwelling unit per acre density. The recommendation is that the developer must prove that the original sewer system design can accommodate a higher flow capacity for the higher density. City Water Resources comments also state the applicant should demonstrate that the existing vacuum sewer service is sufficient for the density proposed for the site. At the time of the completion of this staff report no acceptable solution to this issue had been provided.

Conclusion

This request ostensibly complies with the North Valley Area Plan guidelines for Cluster Housing. In particular, the open space and density requirements appear to be met. Although this configuration does not perfectly match the NVAP Guidelines, staff feels this request could ultimately be approved provided the outstanding issues are addressed as conditions of approval, which will continue to apply during the platting process. The outstanding issues include: 1) add additional variability with lot sizes and shapes; 2) turnaround must comply with Public Works street standards; 3) clarify fencing around the site and access to the open space for residents of adjacent properties; 4) clarify design standards; 5) satisfactorily address comments regarding sewer and water availability statement and sewer connections; and 6) provide a mechanism for ensuring that landscaping and irrigation is installed prior to completion of construction of the subdivision.

However, staff is recommending deferral of this request so that these concerns may be addressed. In particular, the issue of the sewer service to the site must be addressed before this request can be approved.

Analysis Summary

Zoning	
Resolution 116-86	Generally complies with North Valley Area Plan Cluster Housing Principles. Provides a transition between Rural and Developing Urban land uses.
Requirements	Complies with density, open space requirement per Cluster Housing Guidelines in North Valley Area Plan.
Section 18.b.23	Appears to comply with Planned Development Area Criteria.
Plans	
Comprehensive Plan	Appears to be generally consistent with policies that call for rural, residential uses with open space in the semi-urban area.
North Valley Area Plan	Appears to be generally consistent with policies that call for residential uses in the area and with the preference for cluster housing, but does not comply with all the principles (i.e., design).
Other Requirements	
Environmental Health	Albuquerque/Bernalillo County sewer and water availability statement indicates sewer line may not be adequate to serve the proposed density.
Public Works	Right of way provided is generally acceptable. Additional area for turnaround must be added.

FINDINGS:

1. This request is for a Special Use Permit for a Planned Development Area with 9 residential lots and 1.89 acres open space on Tracts A & 21D, located at 10450 Edith Boulevard NE, zoned A-1, containing approximately 4.27 acres.
2. The request does not include all necessary information and justification for the development to determine the appropriateness of the proposed land use and residential density for the site.

RECOMMENDATION:

DEFERRAL of the request for a Special Use Permit for a Planned Development Area (CSU-60026)

Catherine VerEecke
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No adverse comments.

Environmental Health:

ABCWUA water and sewer appears to be available to this property. Coordinate availability with the ABCWUA. A water and sewer availability statement is required at this time for proper assessment of the utility lines capacity to service this property. Please contact the ABCWUA at 924-3987. Provide Bernalillo County EH Office staff with the availability statement.

Provide a mosquito control plan for the onsite ponding.

The radio tower to the south has a fallout plume that proximates the southerly open space and two dwellings. People and dwellings could be in danger if the tower toppled.

6/21/06

A water and sewer availability statement was provided to the Office of EH on 6-20-06.

The availability statement is very conclusive about the sewer system "service capacity". The Water/Utility Authority has recommended that the governing zoning of A-1/ one dwelling unit per acre is the service capacity.

I spoke with Mr. McDonough of the Water/Utility Authority on 6-20-06. Mr. McDonough verbally stated that the ABCWUA recommends only one DU per acre.

The Water/Utility Authority suggests and recommends that the developer prove that the original sewer system design can accomodate a higher flow capacity, thereby justifying higher density.

To date the developer has not provided the required system design criteria as required to justify higher density.

Zoning Enforcement Manager:

NO ADVERSE COMMENT FROM ZONING ENFORCEMENT.

Zoning Administrator

The Zoning Ordinance allows for a Planned Development Area for residential uses if the subject site is at least 2.0 acres in area. Additionally, certain standards, such as building height, lot area, and/or setbacks, may be varied from the underlying requirements if an applicant can demonstrate that these deviations are necessary and due to unusual topography, lot configuration, or specific site features in order to preserve the visual or physical access to the provided open space.

The 2-acre lot size requirement is met for this proposal, and the written explanation seeks to justify the variation of these specific zoning standards as noted on the provided site plan:

1. Setbacks

- a. standards for A-1 properties require a 25' front and rear yard, as well as two 10-foot side yard setbacks
 - i. the proposed development lists maintaining the 25' front yard on Lots 1, 4, 6 & 7, while reducing this setback to 20' for the remaining lots. This feature will stagger the building layout along Amara Vista Ct.
 - ii. the proposed rear yard setbacks will be reduced from 25' to 15'
 - iii. although the required 10-foot side yards are proposed to be reduced to just 5 feet, the proposed lot sizes (average of 9,000 square feet) seem to more closely reflect a typical R-1 development. These setbacks can be reduced to as little as 6 feet if the opposite side yard setback is at least 8 feet (14 foot aggregate distance).

2. Lot size

- a. typical standards for A-1 properties necessitate a minimum of 43,560 square feet (1.0 acre)
 - i. the proposed lots seek to be approximately 1/5 of an acre or 9,086 square feet on average, with the smallest lot at 8,452 sq. ft. (Lot 8) and the largest at 9,957 sq. ft. (Lot 9)
- b. lot width requirements are 150' in the A-1 zone
 - i. the proposed lots will be an average of just more than 76 feet, with Lot 8 being the narrowest (approximately 74') and Lot 9 being the widest (approximately 95')

Because building height has not been specifically addressed within this proposal, the governing regulations after approval would revert to the standard A-1 height limits, which are 26 feet as measured from grade or no more than 2? stories. Additionally, other general regulations would also apply concerning:

1. Off-street parking

- a. One parking space for each bathroom or fraction thereof provided in each dwelling, but not less than 2 spaces for each dwelling.

2. Accessory buildings or structures

- a. Limits to the height and location of any perimeter wall or fence
- b. Setback and separation distances for detached garages, storage sheds, greenhouses, gazebos, etc.
- c. Placement considerations for swimming pools or other similar incidental uses

SITE PLAN COMMENTS

The provided plan seems to meet the necessary minimum standards for submission. Staff has no adverse comments regarding these documents, but would like to ensure that any future approval and subsequent revised site plan be modified to reflect the following:

- 1. Citation and reference to the City of Albuquerque and their water conservation programs should be changed to correctly reference the County of Bernalillo.

2. The size and height of the proposed sign at the NE corner of Edith Blvd. & Amara Vista Ct. needs to be specifically show on a revised plan and/or expressly mentioned as a Condition of Approval.

3. The landscaping notes reference maintenance of the open space areas by the future home owner's association. Staff would prefer that this requirement be noted as a future Condition of Approval, and that the applicant understands that landscaping not planted and maintained in compliance with the approved plan means the site is in jeopardy of losing any designated Special Use Permit approval(s).

Fire:

No comments received.

Public Works:

DRAN:

1. This property is subject to the Bernalillo County Code Chapter 38. Prior to any development or additional development of this property a drainage submittal meeting the requirements of this code will be required.
2. The grading and drainage of this site, as shown on the plan sheet submitted with this special use permit application, appears to be reasonable. Storm water volume retention and other onsite drainage requirements shall be determined under a formal grading and drainage plan submittal by an engineer licensed in the state of New Mexico and technical review by Bernalillo County Public Works.
3. This property is also subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.
4. A grading and drainage plan submittal that cannot meet the requirements of the Bernalillo Code Chapter 38 may require a revision to this Special Use Permit.

DRE:

1. The radius of the road on the cul-de-sac shown on the site plan must be increased to 43 feet.
2. The Homeowners Association is responsible for the maintenance of all trails, sidewalks, landscaped strips, and landscaped common areas.

Parks & Recreation:

REVIEWED, NO ADVERSE COMMENT.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No comments.

COUNTY PLANNING COMMISSION

JULY 12, 2006

CSU-60026

AMAFCA:

No comments received.

City Planning Department:

For all cases for the July 15, 2006 CZ and CSU hearing the City of Albuquerque Development Services Division has no adverse comment.

City Public Works:

Transportation Planning:

This section of Edith Blvd north of Alameda Road is not on the Long Range Roadway System

Transportation Development:

Application Number ZCSU 60026(10450 Edith NE, Map B-17)

The Amara Vista Court entrance appears to front City of Albuquerque (COA) ROW. If this is the case, then design will need to follow COA design criteria for right-of-way widths (ROW), street widths and geometry required by the City.

Water Resources:

Proposed density may exceed the design capacity of the Vacuum station providing sewer service. This must be verified by the Bernalillo County Public Works Department who contracted the design and construction of this sewer system. See water/sewer availability issued in June 06.

City Transit:

No ABQ Ride service is within walking distance of the site. The #10 North 4th St route serves a park-and-ride at the Raymond G. Sanchez Community Center, within normal driving distance to a park-and-ride.

City Open Space:

Open Space does not have any comments for projects to be heard July 12, 2006.

NMDOT

Case description: Special use permit ? Planned developmental area residential ? 9 homes

Location: 10450 Edith Blvd NE, Albuquerque, NM 87114

Type of development (Residential/commercial): Residential

Possible Impacted NMDOT roadway(s): NM 528 Alameda Blvd

Departments Comments: The NMDOT has no comments since the size of the development will

not generate a significant amount of traffic to impact the operation of the state roadway system.

APS

ZCSU 60026 Amara Vista Subdivision is a proposed residential development consisting of 9 residential homes in a residential cluster community with shared open space. The proposed development is located on Edith Blvd NE, north of Alameda Blvd

COUNTY PLANNING COMMISSION

JULY 12, 2006

CSU-60026

NE. The proposed project is located within the following attendance areas: Alameda Elementary School, Taylor Middle School, and Valley High School. All three schools have capacity to absorb any student growth from the proposed subdivision.

School	2006/07 Projections	2006/07 Capacity	Space Available
Alameda	373	416	43
Taylor	588	782	194
Valley	1,750	2,100	350

NEIGHBORHOOD ASSOCIATIONS:

Alameda North Valley Association

North Edith Corridor Association